IN THE HIGH COURT OF JUDICATURE OF BOMBAY

APPELLATE SIDE

WRIT PETITION NO. 7930 of 2004

Vijay Majoor Co-operative Society
Ltd. & Anr. .. Petitioners

versus

Smt.P. Prema W/o N. Unnikrishnan
and ors. .. Respondents

...

Mr.M.S. Karnik for the petitioners.

Ms.N.V. Masurkar for respondent nos.4 and 5.

Mr.P.P. Tendulkar for respondent nos.6 to 8.

CORAM : D.G. KARNIK, J

DATED : 23rd April 2007.

P.C.:

1. Heard learned counsel for the petitioner.

2. This Writ Petition is directed against the order dated 16th July 2004 passed by the learned Civil Judge, Sr. Division, Nashik below Exhibit-21 in Special Civil Suit no.192 of 1999. The

petitioners in this petition are the defendant nos.3 and 4 in the suit. Original plaintiffs have been arrayed as respondent no.1, 2 and 3 while respondent nos.4 to 7 are the co-defendants in the suit.

3. On 8th September 2006, this Court passed a conditional order directing the petitioner to furnish the addresses of respondent nos.1 to 3 within two weeks and take steps for effecting the services on them failing which the Writ Petition would stand dismissed for non prosecution against them. Despite the order, no steps were taken by the petitioner by furnishing the addresses of respondent nos.1 to 3 nor were any steps taken for service on them. Thus, by reason of the conditional order, the Writ Petition against respondent nos.1 to 3 stood dismissed on 23rd September 2006.

4. Respondent nos.1 to 3 are necessary parties to the Writ Petition in as much as they were the original plaintiffs and the impugned order Exhibit-21 was passed in their favour. In the circumstances, the entire Writ Petition fails and is accordingly dismissed.

(D.G. KARNIK, J)